

42.4-02

1631

DOCKET NO.: ISPA-3292

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 29 2002

TECH CENTER 1600/2900

In Re Application of:  
Nielsen et al.

Serial No.: 09/486,623

Group Art Unit: 1631

Filing Date: July 6, 2000

Examiner: A. H. Marschel

For: PEPTIDE NUCLEIC ACIDS HAVING ANTIBACTERIAL ACTIVITY

Express Mail Label No.: EL 926697946US  
Date of Deposit: April 23, 2002

EL 926697946US

Box ☐ NON-FEE

☐ AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

### AMENDMENT TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated December 31, 2001.
- ☐ An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- ☐ Other: \_\_\_\_\_.

☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.

☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:

- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization
  
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
  
- ☐ Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
  
- ☐ An Abstract is enclosed.
  
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
  
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
  
- ☐ An Associate Power of Attorney is enclosed.
  
- ☐ Information Disclosure Statement.
  - ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
  
- ☐ Appended Material as follows: \_\_\_\_\_.
  
- ☐ Other Material as follows: \_\_\_\_\_.

## FEE CALCULATION

☐ No Additional Fee is Due.

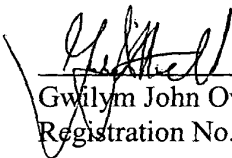
				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	27	32 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$
INDEP. CLAIMS	5	6 (3 MINIMUM)	0	\$42 EACH	\$	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$ 55	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					55		

- ☒ A Check is Enclosed in the Foregoing Amount Due.
- ☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **December 31, 2001** to and through **April 30, 2002** comprising an extension of the shortened statutory period of **one** month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: Apr. 23, 2002

  
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ISPA-3292

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nielsen *et al.*

Serial No.: 09/486,625

Group Art Unit: 1631

#111B

Filed: July 6, 2000

Examiner: A. Marschel

Plunkett

For: PEPTIDE NUCLEIC ACIDS HAVING ANTIBACTERIAL ACTIVITY

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DATE OF DEPOSIT: APRIL 23, 2002

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

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TECH CENTER 1600/2900

Dear Sir:

RESPONSE

This paper is being filed in response to the Office Action dated December 31, 2001. A petition for an extension of time and the appropriate fee accompany this response. Applicants respectfully request that the following amendments be entered and that the rejection of claims in the application be reconsidered and withdrawn.

In the Claims

Please cancel claims 24, 29, 30, 43, and 44 without prejudice.

REMARKS

Claims 23-54 were pending. Claims 31-42 and 45-54 were withdrawn from consideration. Claims 23-30, 43, 44, 55, and 56 were rejected. Claims 24, 29, 30, 43, and 44 have been cancelled without prejudice to prosecution in related cases. Upon entry of this amendment, claims 23, 25, 26, 27, 28, 55, and 56 will be pending. No new matter has been added.

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